

In the Matter of Merchant Mariner's Document Z-52561 and all other  
Seaman

Issued to: George R. Dineen

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

1365

George R. Dineen

This appeal has been in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 4 January 1960, an Examiner of the United States Coast Guard at New York, New York suspended Appellant's seaman documents upon finding him guilty of misconduct. Four or five specifications found proved allege that while serving as Third Mate on board the United States SS AFRICAN CRESCENT under authority of the license above described, on various dates in September and October 1959, Appellant failed to stand his watch on two occasions; he failed to join his ship; and he was under the influence of intoxicants while attempting to perform his duties on the bridge. The fifth specification alleges that, while serving as deck maintenanceman at a latter date in October on the same ship, Appellant addressed the Master with threatening and disrespectful language.

The hearing was adjourned once due to Appellant's absence and then proceeded in absentia when he failed to appear on the second date set for the hearing.

The Investigating Officer introduced in evidence certified copies of entries in the ship's Official Logbook, the testimony of the Master, and the testimony of the Chief Mate.

At the end of the hearing, the Examiner concluded that the charge and five specifications had been proved. He then entered an order suspending all documents, issued to Appellant, for a period of nine months outright plus six months on twelve month's probation.

The Decision was not served on Appellant until 4 June 1962.

On appeal, it is urged that the order is excessive in view of Appellant's clear record for fifteen years prior to these offenses and also because the Examiner's statement that Appellant was unfit to perform his duties was not warranted since all of the offenses

grew out of Appellant's use of intoxicating liquor. It is contended that such evidence does not support a conclusion that Appellant was incompetent.

Appearance on appeal:        Schwartz and O'Connell, Esquires,  
   of New York City, of Counsel.

#### OPINION

The Examiner's detailed findings concerning the five offenses found proved are supported by the evidence in the record and are incorporated herein by reference to the Examiner's decision dated 4 January 1960.

In the sense that Appellant was not fit to perform his duties due to the use of intoxicants, he was incompetent. This created a dangerous situation, especially since Appellant, as the Third Mate, was in charge of the ship's navigation while on watch. The matter is well expressed by the Master in his logbook entry disrating Appellant to deck maintenanceman for the purpose of "assuring the safety of operation and navigation of my ship. - - - I cannot avoid doing so under the circumstances without knowingly and seriously compromising the safety of my ship." It was because of this demotion that Appellant, while intoxicated, angrily threatened to kill the Master.

It is my opinion that the order is not excessive in view of Appellant's lack of responsibility while serving as a ship's officer and his lack of respect for the Master's authority. The latter is essential in order to maintain discipline on board ships.

#### ORDER

The order of the Examiner dated at New York, New York, on 4 January 1960, is AFFIRMED.

E.J. ROLAND  
Admiral, U.S. Coast Guard  
Commandant

Signed at Washington, D. C., this 1st day of February 1963.